



BEFORE THE PUBLIC UTILITIES COMMISSION OF THE
STATE OF CALIFORNIA

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Order Instituting Rulemaking Regarding Policies,)
Procedures and Rules for the California Solar)
Initiative, the Self-Generation Incentive Program)
and Other Distributed Generation Issues.)

Rulemaking 06-03-004
(Filed March 2, 2006)

**COMMENTS OF SOUTHERN CALIFORNIA EDISON COMPANY (U 338-E) ON ALJ
RULING REQUESTING PROPOSALS ON METHODS TO DETERMINE THE
RENEWABLE ENERGY CREDITS FROM DISTRIBUTED GENERATION**

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RENEWABLE ENERGY CREDITS FROM DISTRIBUTED GENERATION**

Pursuant to ALJ Ebke’s July 12, 2006 Ruling Requesting Proposals on Methods to Determine the Renewable Energy Credits from Distributed Generation (ALJ Ruling), Southern California Edison Company (SCE) respectfully submits the following comments.

I.

INTRODUCTION

The ALJ Ruling asks parties to address subsidy and measurement issues related to distributed generation. Specifically, with respect to subsidy issues, the ALJ Ruling asks for comments on the following:

1. What method should the Commission use to determine the portion of a renewable energy credit (REC) from a renewable DG facility that was supported by a ratepayer subsidy?
2. Should net metering benefits be considered in the calculation of ratepayer subsidies, and if so how?

The ALJ Ruling does not seek a cost-benefit analysis, but rather only seeks proposals with respect to “a mechanism by which the portion of the subsidy towards [a] DG REC can be

determined, not the amount of the subsidy itself.”¹ Therefore, SCE provides only a methodological approach for determining the assignment of environmental attributes associated with subsidized DG, not a detailed cost-benefit analysis quantifying the amount of renewable DG subsidies. As discussed more fully in Section II below, SCE proposes that if a DG customer chooses to participate in any subsidy program, 100% of any environmental attributes associated with that subsidized generation should be transferred to the utilities’ and other LSEs’ customers for the benefit of all ratepayers.

The ALJ Ruling also requests parties to discuss metering issues. Specifically, the ALJ Ruling seeks comments on the following:

1. How can the Commission measure DG output for purposes of RPS?
2. Can meters be installed and if so, what type and for what size systems?
3. If meters are [not] reasonable for certain smaller systems, what method can be used to measure DG output for these systems?²
4. How can the Commission ensure that electrical generation consumed on the customer side of the meter is added to the utility’s total retail sales?

SCE provides specific responses to these questions in Section III below. In Section IV, SCE also provides more general comments concerning critical legal and policy considerations that are implicated by any effort to define and allocate RECs with respect to distributed generation. These issues must inform the Commission’s direction concerning RPS compliance and REC policies with respect to DG.

¹ ALJ Ruling, at 3.

² The ALJ Ruling does not include the word “not” in the question posed. However, based on the context of the other questions asked in the ALJ Ruling, SCE assumes this question was intended as stated above. The question as stated above is also consistent with the questions posed in ALJ Duda’s June 8, 2006 Ruling Noticing Prehearing Conference and Requesting Prehearing Conference Statements.

II.

SUBSIDY ISSUES

A. What Method Should The Commission Use to Determine the Portion of a REC From a Renewable DG Facility that was Supported by a Ratepayer Subsidy?

The ratepayers who fund, whether directly or indirectly, subsidy programs associated with renewable DG should receive any “credits” associated with the renewable generation supported by the subsidy. The purpose of a renewable DG subsidy program is to encourage customers to install renewable generation facilities that would not be constructed but for the subsidy. Effectively, the justification for such a renewable DG program is that the overall statewide benefit of promoting renewable generation exceeds the direct savings that the customer receives from self generation (*i.e.*, the customer’s bill savings), so that the subsidy results in an improved alignment between overall societal and individual customer goals.

This approach is directly analogous to the treatment of central-station renewable generation in the RPS program. When renewable generators offer power in an RPS solicitation, they become eligible for supplemental energy payments to cover any above-market costs of their power, but confer the right to any environmental attributes to the purchasing load serving entity (LSE) so that the power can be counted for RPS compliance. As the Commission has previously observed:

Using this approach, we hold that the RECs associated with renewable distributed generation on the customer side of the meter should be treated equivalently to the other types of renewable generation we addressed in D.03-06-071. Since in that case we held that the RECs belonged to the generation owner, and were only transferred to the utility when specified in a CPUC approved transaction, it is most consistent for us to hold the same thing with regard to DG facilities.³

³ D.05-05-011, *mimeo*, at 3

Notably, such conventional generators must transfer their “RECs” as a condition of participation in the RPS program, regardless of whether or not they are direct recipients of ratepayer subsidies in the form of separate energy payments. Following this logic, it is the customer’s choice to participate in the state-subsidized program, not the size of the subsidies in relationship to other investment expenditures that determines the allocation of RECs. The DG facility owner, like conventional renewable developers, has a choice: either to participate in the state’s incentive program and forgo any associated RECs, or to operate outside the state’s incentive program and retain any RECs.

As discussed below in Section IV, the Commission has not yet defined what it means by the term “REC” or explained how RECs can be integrated with the existing RPS program.⁴ Regardless of how these issues are ultimately resolved, however, ratepayers should be entitled to capture the value of any environmental attributes associated with DG subsidy programs, because the renewable generation is directly attributable to these ratepayer-funded subsidies. Stated differently, but for these subsidies, the renewable generation would not exist.

If the concept of a REC is intended to reflect the notion of a tradable environmental attribute that can be sold or traded separately from the underlying energy produced by a renewable generator, then allocation of such RECs to DG facility owners should be viewed as an inducement intended to encourage a socially optimal amount of distributed renewable generation. As such, the allocation of RECs should be viewed as an alternative to the existing structure of renewable generation subsidies. Under this alternative, the “shortfall” between the societal value of renewable generation and the customer’s cost of renewable distributed generation is filled by allowing a DG owner to receive revenues via transfer of any RECs in lieu of an incentive payment. It would be inappropriate for ratepayers to “pay twice” for the same environmental attribute. Thus, a system of tradable RECs is inconsistent with the existing

⁴ See SCE’s comments to the Staff White Paper.

programs by which the legislature and Commission already encourage renewable generation through a direct subsidy payment.

Finally, SCE observes that the ratepayer subsidies associated with the various renewable generation incentive programs (the CEC's Emerging Renewables Program, the CPUC's Self-Generation Incentive Program, and the CPUC's new California Solar Initiative) are funded by all ratepayers, not just bundled service utility customers. Thus, when assigning the environmental attributes of ratepayer-funded renewable DG to the ratepayers who paid the subsidies, the Commission should address how to allocate these environmental attributes between utilities' bundled service customers and other LSEs' customers. Recently, in hearings in R.06-02-012 concerning short term contracting authority for non-IOU LSEs, several parties asserted that they or their constituents were unable to enter into long term agreements that promote the development of new renewable generation projects. Directly assigning a portion of the environmental attributes of ratepayer-subsidized renewable DG to these LSEs will ameliorate the RPS compliance difficulties that these LSEs are facing.

B. Should Net Metering Benefits be Considered in the Calculation of Ratepayer Subsidies, and If So, How?

As described in response to the previous question, SCE recommends that ratepayers receive the environmental attributes associated with ratepayer-subsidized renewable DG. SCE regards the subsidy provided to customers under net metering to be just as much a subsidy as if the customer were provided a direct cash rebate. Just as with subsidies provided under an incentive program (*e.g.*, ERP, SGIP, CSI, etc.), net energy metering subsidies are designed to recognize and encourage the installation of renewable customer generation. Current utility rate design recovers a significant portion of utility fixed costs through energy charges. Net energy metering allows a DG owner to avoid paying for these fixed costs, and results in transferring the responsibility for paying these fixed costs to other ratepayers. Thus, net energy metering subsidies have the same effect (on both DG owners and other ratepayers) as more transparent

forms of subsidy such as solar rebates. If the Commission were to adopt the proposal described in this response, there would be no need to quantify the level of net metering subsidy.⁵

III.

MEASUREMENT ISSUES

A. How Can the Commission Measure DG Output for Purposes of RPS?

The most accurate and reliable way to measure DG output for purposes of RPS compliance is through the use of a separate generation output meter. SCE has previously recommended that DG installers incorporate a meter socket in the system design, so that utilities can install appropriate metering.⁶ To the extent practical, SCE would integrate meter installation, meter testing and maintenance, and meter reading/data management into its existing business practices to lessen overall metering costs. A number of parties have already commented on the need for accurate measurement of DG for purposes of RPS. For example, Green Power stated, “RPS compliance is predicated on actual renewable energy production, not on the amount of renewable generating capacity that is installed. RECs will only be issued for actual metered output for grid distributed renewables, regardless of the size of the generating unit.”⁷ Similarly, the Independent Energy Producers Association stated, “If DG is going to be ‘counted’ for purposes of RPS compliance, it must be treated in a comparable manner to other eligible renewable generation. Importantly, it must be measured and tracked to ensure that actual energy generation is being counted for purposes of RPS compliance.”⁸ SCE concurs with these parties. Such accuracy can only be achieved through measurement of actual metered output.

⁵ If the Commission were to adopt an approach whereby environmental attributes or RECs were allocated to customers installing renewable DG and the remaining customers of the utility based on the amount of ratepayer subsidies, it would be necessary to take the portion of customer bill savings that is attributed to the net energy metering subsidy (i.e., the difference between bill savings and avoided costs), and add this amount to the other subsidies designed to recognize and encourage the installation of renewable DG.

⁶ See SCE’s Comments on Staff Proposal for California Solar Initiative Design and Administration (May 16, 2006).

⁷ D.05-05-011, p. 6.

⁸ *Id.*

B. Can Meters Be Installed and If So, What Type and for What Size Systems?

If the State is committed to using accurate and reliable data to determine RPS compliance, a separate DG output meter is the most appropriate approach, even for smaller residential systems. With only a few minor exceptions, SCE meters all its retail customers, so SCE does not view a metering requirement for DG systems to be cost prohibitive. Clearly, there is a wide range of meter costs and meter functionality. For example, metering can range from a simple cumulating kWh meter that provides the total kWh over a meter reading period via a manual meter read to a real time energy meter that records kWh usage in fifteen-minute intervals and is capable of “uploading” this information via a communication network for real time access. The selection of which kind of metering technology to employ is best left to those responsible for administering a particular DG subsidy program. Absent other tariff or subsidy program requirements, a simple utility cumulating kWh meter is adequate to accurately and reliably measure the output of a DG for purposes of RPS compliance.

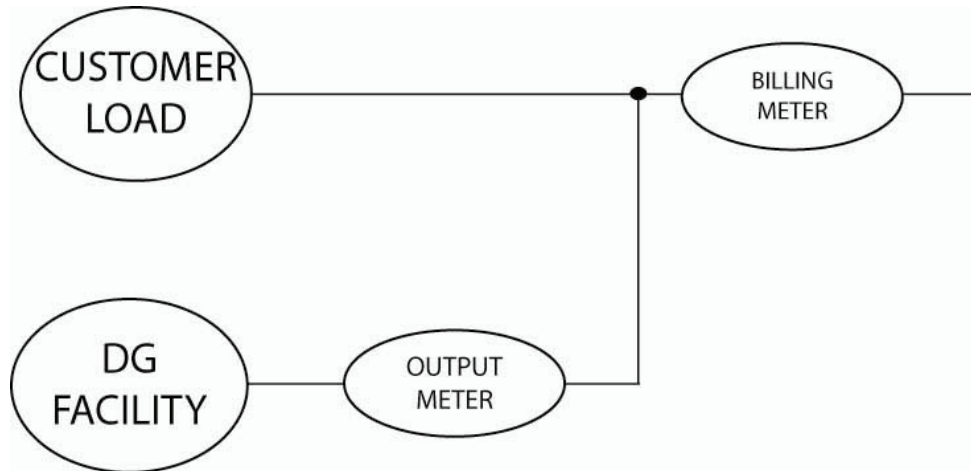
C. If Meters Are Not Reasonable for Certain Smaller Systems, What Method Can Be Used to Measure DG Output for These Systems?

As stated above, meters should be required for all sized systems. SCE is not aware of any reliable method that could be used to estimate DG facility output for RPS compliance – any estimation approach is fundamentally flawed. Without proper metering, the Commission will not be able to determine whether a reduction in load at the point of sale is due to the operation of the renewable generator, or due to a customer’s reduction in load. To the extent that the Commission establishes a scheme in which a property interest is created in a product (*e.g.*, a REC) that can be bought and sold, it is imperative that the existence of that product can be verified, and that the quantity of the product can be measured. This verification and measurement can only be achieved through generation output metering.

D. How Can The Commission Ensure that Electrical Generation Consumed on the Customer Side of the Meter is Added to the Utility's Total Retail Sales?

As SCE highlights further in Section IV below, this question necessarily assumes the resolution of threshold legal and policy issues that have yet to be addressed definitively by either the Commission or the courts, including the extent to which renewable output that is consumed on site by a customer can be considered as LSE procurement, the existence (and more importantly, characteristics) of renewable energy credits, and various legal and practical issues associated with REC unbundling. SCE urges the Commission to address these threshold issues before effectively prejudging the outcome of any regulatory and legislative review.

Subject to these caveats, the Commission can ensure that the associated electrical generation consumed on the customer side of the meter will be added to the utility's total retail sales through proper metering.² As the schematic below illustrates, SCE envisions DG installations with separate retail and output meters.



² Consistent with the language and direction in D.05-05-011, SCE assumes that generation consumed onsite is only added to the utility's total retail sales if that generation is also counted as utility sales for purposes of RPS compliance.

If a DG customer has both an output meter and a bi-directional utility retail billing meter,¹⁰ the customer's onsite consumption can be determined by adding the consumption recorded from the retail meter to the electricity production recorded on the output meter. That is, if the retail meter records 200 kWh of net electricity consumption over a billing period and the output meter records 800 kWh of generation over the same period, then the customer consumed a total of 1,000 kWh over the billing period.

IV.

CRITICAL POLICY CONSIDERATIONS

In implementing any policies concerning the treatment of DG output for purposes of RPS compliance, or the creation of "RECs," the Commission must strive to ensure that those policies are consistent, well-conceived, and jurisdictionally sound. As stated in SCE's comments on the Energy Division's White Paper titled "Renewable Energy Certificates and the California Renewables Portfolio Standard Program," (Staff White Paper), any discussion of RECs needs to begin with and resolve certain critical threshold issues which have not yet been definitively resolved by the Commission at this time, and which, ultimately, may not be within the Commission's jurisdiction to resolve at all. Principal among these issues is a discussion and understanding of the fundamental nature and definition of a REC, that is, whether the REC is a property right or a unit of regulatory compliance. Although the Commission has issued a number of decisions concerning RECs, it has yet to clearly articulate an answer to this fundamental question. As SCE and others have noted, how one responds to this question has important consequences for buyers and sellers of renewable energy as well as the State's ratepayers.

Unfortunately, there is loose language concerning RECs in both Commission decisions and in the marketplace of renewable ideas. For example, the Commission has sometimes

¹⁰ The customer's billing meter must be capable of bi-directional recording, (*i.e.*, recording power flow in both directions).

discussed RECs in terms of ownership, implying, if not necessarily directly concluding, that a REC is something that may have some or all of the attributes of property. At the same time, the Commission has predicated this ownership on an immediate and total transfer of the RECs to another party as a condition of the initial owner's participation in the RPS program. Thus, the REC owner has a choice to retain the REC, but forego the benefits of participating in the State's RPS program, or to transfer the REC and obtain the benefits of the RPS program.

To the extent that the Commission conceives of a scheme which creates or recognizes a property interest, SCE continues to question whether the Commission (as opposed to the legislature) has the authority to create or define such a right. Moreover, although there is considerable debate on the issue, it has not been clearly resolved whether a REC, however it is defined, can be used by an RPS-obligated entity for purposes of compliance in lieu of the direct purchase of energy from an RPS-eligible generator. SCE has indicated in numerous filings that the use of "RECs" to satisfy RPS obligations appears to be inconsistent with, or at least certainly not contemplated by, existing law.

Given this context, it is unclear precisely what it means to say that a DG facility owner, "owns" a REC, or what the consequences of that determination are within the existing system of RPS procurement, accounting, and regulatory oversight. Several questions must be addressed to gain greater clarity on the treatment of RECs. For example, if the RECs are not owned by an RPS-obligated entity, such as an Investor-Owned Utility, what does it mean to conclude that someone else owns them? Can they be transferred? If so, to whom? Can they be used for RPS compliance? If so, who should bear the cost associated with acquiring RECs for that purpose? (Whether RECs should be unbundlable from energy, and whether they should be both unbundlable and transferable are issues explicitly under consideration in the RPS proceeding.) Regardless of whether California ultimately recognizes a REC (however defined) as a unit of RPS compliance, who should obtain the benefit associated with the sale of such RECs? The owner of the DG facility? If so, why? Is it the Commission's intention in proposing a scheme in which all or some of the hypothetical RECs associated with DG are retained by the owner of the

DG facility to subsidize the DG program beyond what is already contemplated by statute and Commission decisions?

It also must be recognized that the Commission is addressing issues related to RECs in a number of separate proceedings, including this docket, R.06-02-012 and R.06-04-009.

Notwithstanding efforts to achieve consistency, the potential exists to implement practices and policies that are mutually inconsistent or which have unintended consequences. This is particularly true in this docket, because, while DG output represents a relatively limited part of the state's overall renewable output, decisions concerning the definition, ownership, transferability and use for regulatory compliance of "RECs" may be perceived as being precedential in other areas involving much larger quantities of generation and greater societal impacts, subsidies, and possible wealth transfers. While SCE only has roughly 51 MW of customer-side renewable DG at this time, it has several thousand MW of conventional renewable generation under long term contracts.

V.

CONCLUSION

SCE appreciates the opportunity to comment on ALJ's Ebke's Ruling requesting proposals on methods to determine the renewable energy credits from distributed generation. SCE recommends that the Commission adopt policies and practices consistent with these comments. In particular:

- The Commission should take steps in this proceeding and others to ensure RPS policies that are consistent, well-conceived, and jurisdictionally sound. Basic policies regarding the definition and disposition of RECs should be decided in the RPS proceeding, not the DG proceeding. To do otherwise is to have the tail wag the dog. REC issues are currently being reviewed with considerable deliberation in the RPS proceeding.

- The Commission should find if a DG customer chooses to participate in any subsidy program, 100% of any environmental attributes associated with that subsidized generation must be transferred to the utilities' and other LSEs' customers for the benefit of all ratepayers.
- Net metering subsidies should be treated consistently with other subsidies that encourage the installation or recognition of renewable DG.
- The Commission should measure DG output for purposes of RPS using a revenue grade generation output meter.
- Meters can and should be installed for all system sizes. The Commission should not rely on any estimation methodology for purposes of measuring output for RPS compliance.
- If a DG customer has both an output meter and a bi-directional utility retail billing meter, the customer's onsite consumption can be determined by adding the consumption recorded from the retail meter to the electricity production recorded on the output meter.

Respectfully submitted,

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August 04, 2006

CERTIFICATE OF SERVICE

I hereby certify that, pursuant to the Commission's Rules of Practice and Procedure, I have this day served a true copy of COMMENTS OF SOUTHERN CALIFORNIA EDISON COMPANY (U 338-E) ON ALJ RULING REQUESTING PROPOSALS ON METHODS TO DETERMINE THE RENEWABLE ENERGY CREDITS FROM DISTRIBUTED GENERATION on all parties identified on the attached service list(s). Service was effected by one or more means indicated below:

Transmitting the copies via e-mail to all parties who have provided an e-mail address.
First class mail will be used if electronic service cannot be effectuated.

Executed this **4th day of August, 2006**, at Rosemead, California.

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R.06-03-004

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